

ESTTA Tracking number: **ESTTA146085**

Filing date: **06/15/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Zanella Ltd.		
Entity	Corporation	Citizenship	Delaware
Address	711 Fifth Avenue New York, NY 10022 UNITED STATES		

Attorney information	Stuart E. Benson Manelli Denison & Selter PLLC 2000 M Street, N.W.Suite 700 Washington, DC 20036 UNITED STATES sbenson@mdslaw.com Phone:202-261-1000
----------------------	---

Applicant Information

Application No	77025247	Publication date	02/27/2007
Opposition Filing Date	06/15/2007	Opposition Period Ends	03/29/2007
Applicant	Nordstrom, Inc. Suite 500 1617 Sixth Avenue Seattle, WA 98101 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and sevicees in the class are opposed, namely: Slacks, skirts, sweatpants, jackets, shirts, turtlenecks, tank tops, lingerie, pajamas, pants, shorts, sweaters, cardigans, footwear, socks, robes, skorts, sweatshirts, vests, underwear, hosiery, swimwear and tee shirts
--

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1519894	Application Date	05/21/1987
Registration Date	01/10/1989	Foreign Priority Date	NONE
Word Mark	ZANELLA		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 1961/02/00 First Use In Commerce: 1975/05/00 MEN'S WEARING APPAREL, NAMELY RAINCOATS, [MANTLES,] JACKETS, SHIRTS, [BLOUSES, WAISTCOATS,] TROUSERS, PANTS, [SOCKS, STOCKINGS, TIES, SCARVES, HATS, SWIMWEAR,] VESTS [AND UNDERWEAR]		
----------------	--	--	--

U.S. Registration No.	1527003	Application Date	05/21/1987
Registration Date	02/28/1989	Foreign Priority Date	NONE
Word Mark	ZANELLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1987/01/01 First Use In Commerce: 1987/01/01 MEN'S WEARING APPAREL, NAMELY RAINCOATS, MANTELS, JACKETS, SHIRTS, BLOUSES, WAISTCOATS, TROUSERS, PANTS, SOCKS, STOCKINGS, TIES, SCARVES, HATS, SWIMWEAR, VESTS AND UNDERWEAR		

U.S. Registration No.	1990695	Application Date	07/13/1994
Registration Date	08/06/1996	Foreign Priority Date	NONE
Word Mark	ZANELLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1978/01/31 First Use In Commerce: 1978/01/31 women's clothing, namely shorts, skirts, dresses, blouses, pants, jackets, coats, vests, scarves, hats, swimwear, raincoats, socks and underwear		

U.S. Registration No.	1992385	Application Date	07/13/1994
Registration Date	08/13/1996	Foreign Priority Date	NONE
Word Mark	ZANELLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1978/01/31 First Use In Commerce: 1978/01/31 women's clothing, namely shorts, skirts, dresses, blouses, pants, jackets, coats, vests, [scarves, hats, swimwear,] raincoats, [socks, and underwear]		

U.S. Registration No.	2453062	Application Date	04/11/2000
Registration Date	05/22/2001	Foreign Priority Date	NONE
Word Mark	ZANELLA		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 025. First use: First Use: 1993/01/00 First Use In Commerce: 1993/01/00 Women's and men's clothing, namely, shorts, skirts, blouses, pants, jackets, coats, vests, scarves, hats, swimwear, raincoats, socks, underwear, mantles, shirts, waistcoats, trousers, stockings and ties

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ZANELLA		
Goods/Services	Women's and men's clothing.		

Attachments	73662076#TMSN.gif (1 page)(bytes) 74548675#TMSN.gif (1 page)(bytes) 76021021#TMSN.gif (1 page)(bytes) Nordstrom Notice of Opposition.pdf (19 pages)(811857 bytes)
-------------	---

Signature	/StuartEBenson/
Name	Stuart E. Benson
Date	06/15/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 77/025,247
Filed October 19, 2006
For the mark ZELLA
Published in the *Official Gazette* on February 27, 2007

ZANELLA LTD.,)	
)	
Opposer)	
)	
v.)	
)	Opposition No. _____
NORDSTROM, INC.)	
)	
Applicant)	
)	
)	

NOTICE OF OPPOSITION

Opposer, Zanella Ltd., a Delaware Corporation with a business address of 681 Fifth Avenue, New York, New York 10022, hereby opposes registration of the mark ZELLA, which is the subject of application Serial No. 77/025,247 published in the *Official Gazette* of February 27, 2007, and requests that registration to Applicant be refused.

The above-identified Opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The reasons for which Opposer believes it will be damaged by the registration, and the grounds for opposition, are as follows:

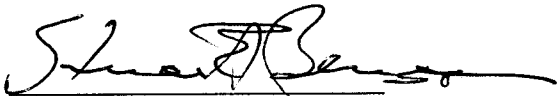
1. Opposer, for many years and since long prior to any date of first use upon which Applicant can rely, has adopted and continuously used the term "ZANELLA" as a trademark for men's and women's apparel. Opposer has developed substantial good will in this mark.
2. Opposer is the owner of the following federal registrations for the mark ZANELLA in International Class 25, each of which is valid, subsisting, unrevoked, and uncanceled: Registration Nos. 1,519,894 (ZANELLA word mark for certain men's wearing apparel); 1,527,003 (ZANELLA and design for certain men's wearing apparel); 1,990,695 (ZANELLA word mark for certain women's clothing); 1,992,385 (ZANELLA and design for certain women's clothing); and 2,453,062 (ZANELLA and design for certain women's and men's clothing). Copies of these registrations are attached hereto as Exhibits A through E, respectively.
3. Section 8 and Section 15 affidavits have been accepted and acknowledged for the above-described registrations. Hence, the Opposer's right to use these registered marks in commerce is incontestable pursuant to Section 15 of the Trademark Act.
4. Opposer's above-identified registrations are the only active federal registrations of the mark ZANELLA for clothing or clothing accessories.
5. Applicant has filed an application to register the word mark ZELLA for certain clothing in International Class 25. The application was

filed on October 19, 2006, and was assigned Serial No.

77/025,247.

6. The application is based on intent to use the mark in commerce.
7. The mark applied for is similar to Opposer's mark and is a word mark with no limitation as to script or style.
8. The goods described in the application, namely certain clothing, are the same as the goods on which Opposer uses its mark.
9. Applicant's mark so resembles Opposer's previously used and registered mark ZANELLA as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

By: 

Stuart E. Benson
Michael H. Selter
Manelli Denison & Selter PLLC
2000 M Street, N.W., Suite 700
Washington, DC 20036
202.261.1000
Attorneys for Opposer

Date: June 15, 2007

Exhibit A

873830

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

July 29, 2002

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,519,894 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *January 10, 1989*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

ZANELLA LTD.

A DE CORP



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

T. Lawrence

T. LAWRENCE
Certifying Officer

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,519,894

Registered Jan. 10, 1989

**TRADEMARK
PRINCIPAL REGISTER**

ZANELLA

FRATELLI ZANELLA S.P.A. (ITALY CORPO-
RATION)
VIA CAPOVILLA 23/25
CALDOGNO (VICENZA), ITALY

FOR: MEN'S WEARING APPAREL, NAMELY
RAINCOATS, MANTLES, JACKETS, SHIRTS,
BLOUSES, WAISTCOATS, TROUSERS, PANTS,
SOCKS, STOCKINGS, TIES, SCARVES, HATS,
SWIMWEAR, VESTS AND UNDERWEAR, IN
CLASS 25 (U.S. CL. 39).

FIRST USE 2-0-1961; IN COMMERCE
5-0-1975.

OWNER OF U.S. REG. NOS. 1,236,427, 1,259,477
AND OTHERS.

SEC. 2(F).

SER. NO. 662,018, FILED 5-21-1987.

MARIA SOLOMON, EXAMINING ATTORNEY

Exhibit B

873830

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

July 29, 2002

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,527,003 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *February 28, 1989*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

ZANELLA LTD.

A DE CORP



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

T. Lawrence

T. LAWRENCE

Certifying Officer

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,527,003

Registered Feb. 28, 1989

**TRADEMARK
PRINCIPAL REGISTER**

Zanella

**FRATELLI ZANELLA S.P.A. (ITALY CORPORATION)
VIA CAPOVILLA 23/25
CALDOGNO, ITALY**

**FOR: MEN'S WEARING APPAREL, NAMELY
RAINCOATS, MANTELS, JACKETS, SHIRTS,
BLOUSES, WAISTCOATS, TROUSERS, PANTS,
SOCKS, STOCKINGS, TIES, SCARVES, HATS,
SWIMWEAR, VESTS AND UNDERWEAR, IN
CLASS 25 (U.S. CL. 39).**

**FIRST USE 1-1-1987; IN COMMERCE
1-1-1987.**

**OWNER OF U.S. REG. NOS. 1,236,427, 1,259,477
AND OTHERS.**

SEC. 2(F).

SER. NO. 662,076, FILED 5-21-1987.

MARIA SOLOMON, EXAMINING ATTORNEY

Exhibit C

873830

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

July 29, 2002

**THE ATTACHED U.S. TRADEMARK REGISTRATION 1,990,695 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.**

REGISTERED FOR A TERM OF 10 YEARS FROM *August 06, 1996*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

ZANELLA LTD.

A DE CORP



**By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS**

T. Lawrence

**T. LAWRENCE
Certifying Officer**

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 1,990,695

Registered Aug. 6, 1996

**TRADEMARK
PRINCIPAL REGISTER**

ZANELLA

ZANELLA S.P.A. (ITALY CORPORATION)
VIA CAPOVILLA 19
CALDOGNO (VI), ITALY 36030

FOR: WOMEN'S CLOTHING, NAMELY
SHORTS, SKIRTS, DRESSES, BLOUSES,
PANTS, JACKETS, COATS, VESTS, SCARVES,
HATS, SWIMWEAR, RAINCOATS, SOCKS AND
UNDERWEAR, IN CLASS 25 (U.S. CLS. 22 AND
39).

FIRST USE 1-31-1978; IN COMMERCE
1-31-1978.

OWNER OF U.S. REG. NOS. 1,519,894 AND
1,527,003.

SEC. 2(F).

SER. NO. 74-548,674, FILED 7-13-1994.

SUSANA BEATRIZ MIRABALLES, EXAMIN-
ING ATTORNEY

Exhibit D

873830

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

July 29, 2002

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,992,385 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *August 13, 1996*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

ZANELLA LTD.

A DE CORP



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

T. Lawrence

T. LAWRENCE
Certifying Officer

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 1,992,385

Registered Aug. 13, 1996

**TRADEMARK
PRINCIPAL REGISTER**

Zanella

ZANELLA S.P.A. (ITALY CORPORATION)
VIA CAPOVILLA 19
CALDOGNO (VI), ITALY 36030

FOR: WOMEN'S CLOTHING, NAMELY
SHORTS, SKIRTS, DRESSES, BLOUSES,
PANTS, JACKETS, COATS, VESTS, SCARVES,
HATS, SWIMWEAR, RAINCOATS, SOCKS,
AND UNDERWEAR, IN CLASS 25 (U.S. CLS. 22
AND 39).

FIRST USE 1-31-1978; IN COMMERCE
1-31-1978.

OWNER OF U.S. REG. NOS. 1,519,894 AND
1,527,003.

SEC. 2(F).

SER. NO. 74-548,675, FILED 7-13-1994.

SUSANA BEATRIZ MIRABALLES, EXAMIN-
ING ATTORNEY

Exhibit E

873830

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

July 29, 2002

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,453,062 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *May 22, 2001*

AMENDMENT/CORRECTION/NEW CERT(SEC7) ISSUED
SAID RECORDS SHOW TITLE TO BE IN:

REGISTRANT



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

T. Lawrence

T. LAWRENCE
Certifying Officer

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Amended

Reg. No. 2,453,062

Registered May 22, 2001

OG Date Feb. 26, 2002

TRADEMARK
PRINCIPAL REGISTER



ZANELLA LTD. (DELAWARE CORPORATION)
681 FIFTH AVENUE
NEW YORK, NY 10022
OWNER OF U.S. REG. NOS. 1,519,584,
1,992,385 AND OTHERS.

FOR: WOMEN'S AND MEN'S CLOTHING,
NAMESLY, SHORTS, SKIRTS.

BLOUSES, PANTS, JACKETS, COATS,
VESTS, SCARVES, HATS, SWIMWEAR,
RAINCOATS, SOCKS, UNDERWEAR,
MANTLES, SHIRTS, WAISTCOATS,
TROUSERS, STOCKINGS AND TIES. IN
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-0-1993; IN COMMERCE
1-0-1993.

SER. NO. 76-021,021, FILED 4-11-2000.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Feb. 26, 2002.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cl.: 25

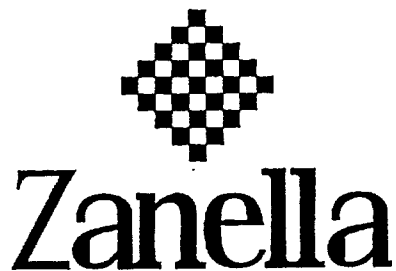
Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,453,062

Registered May 22, 2001

**TRADEMARK
PRINCIPAL REGISTER**



**ZANELLA LTD. (DELAWARE CORPORATION)
681 FIFTH AVENUE
NEW YORK, NY 10022**

**FOR: WOMEN'S AND MEN'S CLOTHING,
NAMELY, SHORTS, SKIRTS, BLOUSES, PANTS,
JACKETS, COATS, VESTS, SCARVES, HATS, SWIM-
WEAR, RAINCOATS, SOCKS, UNDERWEAR, MAN-
TLES, SHIRTS, WAISTCOATS, TROUSERS,
STOCKINGS AND TIES, IN CLASS 25 (U.S. CLS. 22
AND 39).**

FIRST USE 1-0-1993; IN COMMERCE 1-0-1993.

**OWNER OF U.S. REG. NOS. 1,519,584, 1,992,385
AND OTHERS.**

SER. NO. 76-021,021, FILED 4-11-2000.

HOWARD CHUNG, EXAMINING ATTORNEY